

CHAPTER 34

BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS

Authority

N.J.S.A. 45:8B-13 and 34.

Source and Effective Date

R.2004 d.158, effective March 22, 2004.
35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Chapter Expiration Date

Chapter 34, Board of Marriage and Family Therapy Examiners,
expires on March 22, 2009.

Chapter Historical Note

Chapter 34, Board of Marriage Counselor Examiners, was adopted as
R.1975 d.100, effective April 15, 1975. See: 7 N.J.R. 236(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of
Marriage Counselor Examiners, was readopted as R.1988 d.550, effec-
tive October 26, 1988. See: 20 N.J.R. 2361(a), 20 N.J.R. 2932(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of
Marriage Counselor Examiners, was readopted as R.1993 d.599, effec-
tive October 22, 1993. See: 25 N.J.R. 3060(a), 25 N.J.R. 5485(a).

Subchapter 4, Qualification for Admission to Examination, was re-
named Application Qualifications; Board-Approved Examination by
R.1997 d.103, effective March 3, 1997. See: 28 N.J.R. 4165(a), 29
N.J.R. 783(a).

Subchapters 10 through 14, 17 through 23 and 26 through 28 were
adopted as new rules by R.1998 d.94, effective February 17, 1998. See:
29 N.J.R. 4644(a), 30 N.J.R. 687(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Board of
Marriage Counselor Examiners, was readopted as R.1998 d.544, effec-
tive October 22, 1998, and Subchapter 5, General Obligations of a
Licensee, Subchapter 6, Advertising, and Subchapter 7, Client Records;
Confidentiality, were adopted as new rules by R.1998 d.544, effective
November 16, 1998. See: 30 N.J.R. 2987(a), 30 N.J.R. 4058(a).

Subchapter 15, Continuing Education, was adopted as R.2003 d.190,
effective May 5, 2003. See: 34 N.J.R. 3682(a), 35 N.J.R. 1932(a).

Subchapter 24, Continuing Education, was adopted as R.2003 d.191,
effective May 5, 2003. See: 34 N.J.R. 3686(a), 35 N.J.R. 1934(a).

Subchapter 8, Continuing Education, were adopted as R.2003 d.398,
effective October 6, 2003. See: 35 N.J.R. 2831(a), 35 N.J.R. 4722(c).

Chapter 34, Board of Marriage and Family Therapy Examiners
Rules, was readopted as R.2004 d.158, effective March 22, 2004. As
part of this readoption, Subchapter 12, Professional Counselors: Licens-
ure Until February 12, 1999 and Subchapter 22, Rehabilitative Coun-
selors: Licensure Until February 12, 1999 were repealed effective April
19, 2004. Subchapter 29, Professional Counselors, Associate Counsel-
ors and Rehabilitation Counselors: Advertising and Subchapter 30,
Professional Counselors, Associate Counselors and Rehabilitation
Counselors: Business Practices; Professional Conduct, were adopted as
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See, also, section annotations.

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(b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render counseling services, as defined in N.J.A.C. 13:34-10.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.

(c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as possessing a license issued pursuant to the Act.

13:34-10.2 Definitions

The following words and terms, as used in N.J.A.C. 13:34-10 through 19, shall have the following meanings, unless the context clearly indicates otherwise.

"Counseling" means the application of mental health and human development principles in order to:

1. Facilitate human development and adjustment throughout the lifespan;
2. Clinically assess and evaluate, using currently accepted diagnostic classifications including, but not limited to, the DSM-IV, 4th ed., c1994, and future editions of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, incorporated by reference as amended and supplemented, (obtainable from the American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901), mental, emotional, behavioral and associated distresses which interfere with mental health and development;
3. Conduct assessments and evaluations for the purpose of establishing goals and objectives; and
4. Plan, implement and evaluate counseling interventions.

"Counseling interventions" means services specifically implemented in the context of a professional counseling relationship. Counseling interventions include, but are not limited to, developmental, preventive, facilitative and crisis intervention.

"Counseling procedures" means methods and techniques that may be performed only by a licensed professional counselor or a licensed associate counselor under supervision pursuant to the provisions of N.J.A.C. 13:34-13. Counseling procedures include, but are not limited to, the following:

1. Appraisal and assessment, defined as:
 - i. Selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, personal characteristics, disabilities and mental, emotional and behavioral disorders; and

SUBCHAPTER 10. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE

13:34-10.1 Purpose and scope

(a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of counseling, as defined in N.J.A.C. 13:34-10.2, within the State of New Jersey.

ii. Using methods and techniques for understanding human behavior in relation to coping with, adapting to or changing life situations;

2. Counseling, defined as assisting an individual or group through the counseling relationship to develop an understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting the client's needs, interests, and abilities, and to use informational and community resources as these methods are related to career development and adjustment and to mental, emotional, social, educational and existential issues;

3. Consulting, defined as applying scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the consultee(s) may have in relation to an individual, a group or an organization;

4. Referral, defined as evaluating and identifying needs of a counselee to determine the advisability of referral to other specialists, informing the counselee of such judgment and communicating as requested or deemed appropriate to such referral sources; and

5. Research, defined as the conduct of qualitative or quantitative investigations into the nature of human and organizational behavior.

Amended by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

In "Counseling", rewrote 2.

13:34-10.3 Scope of practice; professional counselor and associate counselor

(a) The scope of practice of a licensed professional counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in N.J.A.C. 13:34-10.2.

(b) The scope of practice of a licensed associate counselor includes, but is not limited to, counseling, counseling interventions, appraisal and assessment, consulting, referral and research activities, as defined in N.J.A.C. 13:34-10.2, under supervision pursuant to the provisions of N.J.A.C. 13:34-13. An associate counselor shall not engage in the independent practice of counseling.

SUBCHAPTER 11. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

13:34-11.1 Definitions

(a) For purposes of this subchapter, the following words and terms shall have the following meanings:

"Group supervision" means the ongoing process of supervising no more than six persons in a group setting by a qualified supervisor.

"One calendar year" means 1,500 hours of supervised counseling experience over a period of 50 weeks, which is considered full-time, or no less than 750 hours of supervised counseling experience over two periods of 50 weeks, which is considered part-time, which means a total of 1,500 hours of supervised experience for the two periods of 50 weeks.

"Professional counseling experience" means the rendering of professional counseling services as defined below or the provision of counselor education by a faculty member in a graduate program of counselor preparation in a regionally accredited institution of higher education.

"Professional counseling services" means the application of mental health and human development principles in order to facilitate human development and adjustment throughout the lifespan; clinically assess and evaluate mental, emotional, and associated distresses which interfere with mental health and development; conduct assessments and evaluations for the purpose of establishing goals and objectives; and plan, implement, and evaluate counseling interventions.

"Qualified supervisor" means a licensed professional counselor, a licensed psychologist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed physician practicing in the field of psychiatry or any other supervisor acceptable to the Committee, who has qualifications similar to these licensed professionals.

"Supervision" or "supervised" means the ongoing process performed by a qualified supervisor who monitors the performance of the supervisee and provides regular, documented, face-to-face consultation, guidance, and instruction with respect to the counseling skills and competencies of the supervisee which includes at least 50 hours of face-to-face supervision per one calendar year, at the rate of one hour per week, of which not more than 10 hours may be group supervision.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Section was "Application procedure: professional counselor".

13:34-11.2 Professional counselor: application and educational requirements

(a) An applicant for licensure as a professional counselor shall submit the following to the Committee:

1. A completed application form, which contains information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:34-17.1;

3. An official transcript(s) clearly indicating that the applicant has satisfied the educational requirements which include a graduate degree in counseling from a planned educational program at a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate the following:

i. That the degree awarded is a master's degree or doctorate degree in counseling or a related area as deemed acceptable by the Committee. Until April 19, 2006, examples of acceptable graduate degrees include, but are not limited to, social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education, or marriage and family therapy. Beginning April 20, 2006, an acceptable graduate degree means that the word "Counseling" or the word "Counselor" appears in the title of the graduate degree awarded and that the institution offering the degree states in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling;

ii. That the applicant, as part of his or her educational preparation which includes a master's degree or doctorate in counseling from a regionally accredited institution of higher education, has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:

(1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;

(2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation or consultee change;

(3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;

(4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

(5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

(6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;

(7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;

(8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

(9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Section was "Application procedure: associate counselor".

13:34-11.3 Professional counselor: experience requirements

(a) In addition to the requirements listed in N.J.A.C. 13:34-11.2, an applicant for licensure as a professional counselor shall submit to the Committee documentation indicating that the applicant has met the supervised professional counseling experience requirements for licensure as set forth below:

1. Three calendar years of supervised professional counseling experience in a professional counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised professional counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-11.2; or

2. Two calendar years of supervised professional counseling experience in a professional counseling setting, provided that the applicant has earned, subsequent to completing the master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in N.J.A.C. 13:34–11.2(a)3ii(1) through (9). Hours of supervised professional counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised professional counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34–11.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.

(b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised professional counseling experience requirement within the definitions stated in N.J.A.C. 13:34–11.1. Professional counseling experience submitted to the Committee which occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above including supervision by a qualified supervisor.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
Section was "Educational requirements".

13:34–11.4 Professional counselor: examination requirements

An applicant for licensure as a professional counselor shall submit to the Committee, in addition to the requirements stated in N.J.A.C. 13:34–11.2 and 11.3, proof that the applicant has successfully passed the National Counselor Examination administered by the National Board for Certified Counselors (NBCC) or its successor.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34–11.5 Associate counselor: application and educational requirements

(a) An applicant for licensure as an associate counselor shall submit to the Committee:

1. A completed application form which contains information concerning the applicant's educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:34–17.1;
3. An official transcript(s) clearly indicating that the applicant has satisfied the educational requirements which include a graduate degree in counseling from a planned educational program at a regionally accredited institution of higher education. The degree and official transcript(s) shall clearly indicate the following:

i. That the degree awarded is a master's or doctorate degree in counseling or a related area as deemed acceptable by the Committee. Until April 19, 2006, examples of acceptable graduate degrees include but are not limited to social work, psychology, counseling, pastoral counseling, rehabilitation counseling, applied family and child development, human development, counselor education, or marriage and family therapy. Beginning April 20, 2006, an acceptable graduate degree means that the word "Counseling" or the word "Counselor" appears in the title of the graduate degree submitted and that the institution offering the degree states in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling.

ii. That the applicant, as part of his or her educational preparation which includes a master's degree or doctorate in counseling from a regionally accredited institution of higher education, has completed a minimum of 60 graduate semester hours of which 45 graduate semester hours are distributed in at least eight of the following areas:

(1) Counseling theory and practice, which includes the study of basic theories, principles and techniques of counseling and their application to professional counseling settings;

(2) The helping relationship, which includes studies that provide a broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation or consultee change;

(3) Human growth and development and maladaptive behavior, which includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;

(4) Lifestyle and career development, which include studies that provide a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

(5) Group dynamics, processes, counseling and consulting, which include studies that provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

(6) Appraisal of individuals, which includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric

statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities and interests and identify career options;

(7) Social and cultural foundations, which include studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;

(8) Research and evaluation, which include studies that provide a broad understanding of types of research, basic statistics, research-report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

(9) The counseling profession, which includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-11.6 Associate counselor: examination requirements

In addition to the requirements listed in N.J.A.C. 13:34-11.5, an applicant for licensure as an associate counselor shall submit proof to the Board that the applicant has successfully passed the National Counselors Examination administered by the National Board for Certified Counselors (NBCC) or its successor.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

SUBCHAPTER 12. (RESERVED)

SUBCHAPTER 13. ASSOCIATE COUNSELORS: SUPERVISION

13:34-13.1 Responsibilities of supervisor

(a) Prior to a supervisee's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by an associate counselor under the supervision of a professional counselor or a qualified supervisor as defined in N.J.A.C. 13:34-11.1. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner so that it

shall be easily readable, clearly understood, signed by the client, and retained as part of the client record.

(b) A supervisor shall retain full professional responsibility for collecting fees from clients.

(c) A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.

(d) The supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a professional counselor, documentation of supervised experience, using forms provided by the Committee for that purpose. The supervisor shall attest to compliance with the standards set forth in (a) above and shall indicate the hours and dates during which the supervisee has been under direct supervision, the nature of the cases assigned, and the proficiency rating earned by the supervisee.

(e) A supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

(f) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, or close friends.

Recodified from N.J.A.C. 13:34-13.2 and amended by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Former N.J.A.C. 13:34-13.1, Definitions; supervised experience required for licensure, repealed. Deleted (a) and (b); recodified former (c) through (h) as (a) through (f); in (a), amended the N.J.A.C. reference; in (f), deleted "current and former employees" preceding "or close friends", in the last sentence.

13:34-13.2 Responsibilities of supervisee

(a) The supervisee shall maintain documentation of supervised experience for each 50 week period of supervised experience until the supervisee is licensed as a professional counselor.

(b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.

(c) A supervisee shall not engage in unsupervised or independent practice.

(d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.

(e) A supervisee shall not advertise professional services.

Recodified from N.J.A.C. 13:34-13.3 by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Former N.J.A.C. 13:34-13.2, Responsibilities of supervisor, recodified to N.J.A.C. 13:34-13.1.

13:34-13.3 Supervised professional counseling experience acquired prior to application

(a) An applicant may be granted up to one calendar year of supervised professional counseling experience credit towards fulfillment of the supervised professional counseling experience requirements for licensure as a professional counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.

(b) An applicant may be granted supervised professional counseling experience credit towards the fulfillment of experience requirements for licensure as a professional counselor if the supervised experience occurred after the granting of the master's degree, in a professional counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as defined in N.J.A.C. 13:34-11.1.

(c) An applicant may be granted credit towards the fulfillment of the supervised professional counseling experience requirement for licensure as a professional counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a professional counselor.

(d) An applicant may purchase the services of a qualified supervisor if the supervision occurs in a professional counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-13.1.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Former N.J.A.C. 13:34-13.3, Responsibilities of supervisee, recodified to N.J.A.C. 13:34-13.2.

13:34-13.4 (Reserved)

Repealed by R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Section was "Permissible supervisor".

SUBCHAPTER 14. PROFESSIONAL COUNSELOR SPECIALTY DESIGNATIONS**13:34-14.1 Specialty designations**

(a) A licensed professional counselor may utilize a professional specialty designation provided that the licensee:

1. Is certified in one of the following specialties by the NBCC or any successor:
 - i. Clinical mental health counselor pursuant to the requirements set forth in N.J.A.C. 13:34-14.2;

- ii. Career counselor;
- iii. Gerontological counselor;
- iv. School counselor; or
- v. Master addictions counselor; and

2. Has satisfied the Committee that he or she has met the recognized minimum standards of the NBCC.

(b) A qualified professional counselor who the Committee determines satisfies the requirements of (a) above may claim or advertise that specialty by using only the specific specialty designation assigned to the specialty by the NBCC.

(c) A professional counselor shall post the NBCC certificate in a conspicuous place in a waiting room or other area where it will be visible to the professional counselor's clients.

(d) The Committee may approve other specialty designations through the rulemaking process. Consistent with the requirements for use of the designations outlined above in this subchapter, any additional approved specialty designations must meet nationally accepted standards as established by the NBCC.

Amended by R.2002 d.235, effective July 15, 2002.
See: 33 N.J.R. 2596(a), 34 N.J.R. 2459(b).

In (a)1, inserted "or any successor" after "NBCC"; in (a)1i, inserted "pursuant to the requirements set forth in N.J.A.C. 13:34-14.2" after "counselor".

13:34-14.2 Clinical mental health counselor

(a) A licensed professional counselor may utilize the specialty designation of clinical mental health counselor and be issued a specialty permit provided that the licensed professional counselor submits the following to the Committee:

1. A certificate that the applicant is a certified clinical mental health counselor from NBCC or any successor;
2. Proof of passing the comprehensive qualifying examination prepared by NBCC or any successor;
3. An official transcript clearly indicating that the applicant has completed a minimum of 60 graduate semester hours in a mental health field at an accredited institution of higher education; and
4. Proof that the applicant has completed two years of post-master's degree field experience, which includes at least 3,000 hours of supervised clinical experience and 100 hours of face-to-face supervision of which no more than 20 hours may be group supervision.

(b) Upon biennial renewal of the specialty permit for a clinical mental health counselor, an applicant shall submit the following to the Committee:

1. Proof that the applicant is currently certified as a clinical mental health counselor from NBCC or any successor; and

2. Proof that the applicant has completed at least 40 hours of continuing education in courses or programs directly related to the mental health field.

New Rule, R.2002 d.235, effective July 15, 2002.
See: 33 N.J.R. 2596(a), 34 N.J.R. 2459(b).

SUBCHAPTER 15. CONTINUING EDUCATION

13:34-15.1 License renewal and continuing education requirement

All licensed professional counselors shall complete 40 contact hours of continuing education for license renewal. The licensed professional counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to N.J.A.C. 13:34-15.1 and 15.2 during the biennial period preceding application for renewal. Except as set forth in N.J.A.C. 13:34-15.2, a professional counselor applying for renewal for the first renewal period following May 5, 2003 shall complete a minimum of 40 contact hours during this renewal period.

13:34-15.2 Contact-hour requirements for licensed professional counselors

(a) A professional counselor shall not be required to obtain continuing education contact hours during the period of initial licensure prior to the professional counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-15.1 for all subsequent biennial renewal periods.

(b) A licensed professional counselor shall complete at least five of the 40 contact hours required by N.J.A.C. 13:34-15.1 in ethical and legal standards in the counseling profession regardless of the number of contact hours accrued during the biennial period.

(c) If the licensed professional counselor earns more than 40 contact hours during a biennial period, the professional counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

13:34-15.3 Contact-hour requirements for licensed professional counselors with a specialty permit

A holder of a specialty permit shall satisfy the specialty permit continuing education requirements of the National Board of Certified Counselors (NBCC). The required continuing education contact hours for the specialty permit may be used to satisfy the Committee's 40 contact hours of continuing education requirements for the licensed professional counselor set forth in this subchapter.

13:34-15.4 Approval of courses or programs

(a) The following are acceptable sources of continuing education courses, programs and articles as long as the courses, programs or articles fall within the content areas set forth in (c) below or are directly related to professional counseling:

1. Courses and programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Orthopsychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; or the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.;

2. Teaching or completing graduate coursework at a regionally accredited institution of higher education;

3. Authoring a refereed article published in a professional journal within the preceding biennial period; and

4. Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34-15.4(a)1.

(b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the professional counselor shall first apply to and obtain approval from one of the listed organizations.

(c) The following are acceptable content areas for continuing education:

1. Counseling theory and practice which provide basic theories, principles and techniques of counseling and their application to professional counseling settings;

2. The helping relationship which provides broad understanding of philosophic bases of helping processes, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation or consultee change;

3. Human growth and development and maladaptive behavior which provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal behavior, personality theory, life-span theory, and learning theory within cultural contexts;

4. Lifestyle and career development which provides a broad understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance and education, lifestyle and career decision-making, career development program planning, resources, and career option identification;

5. Group dynamics, processes, counseling and consulting which provide a broad understanding of group development dynamics, group counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches;

6. Appraisal of individuals which provides a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors that influence appraisals, use of appraisal results in helping process and the specific ability to administer and interpret tests and inventories to assess abilities, interests, and identify career options;

7. Social and cultural foundations which provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, multicultural and pluralistic trends, differing lifestyles, and major societal concerns including stress, person abuse, substance abuse, discrimination and methods of alleviating these concerns;

8. Research and evaluation which provide a broad understanding of types of research, basic statistics, research and report development, research implementation, program evaluation, needs assessment, publication of research information and ethical and legal considerations; and

9. The counseling profession which provides a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards and professional credentialing.

13:34-15.5 Continuing education credits and contact-hour calculation

(a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to professional counseling practice. For purposes of this subchapter, a "contact hour" means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.

(b) A professional counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34-15.4 in

order to receive continuing education credit. The Committee shall grant a professional counselor continuing education credit for each biennial renewal period as follows:

1. Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the professional counselor must complete for licensure as set forth in N.J.A.C. 13:34-11.3;

2. Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a professional counselor teaches. For the purposes of this subsection, "new" means a course that the professional counselor has not taught previously in any educational setting;

3. A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and

4. Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, "new" means a course or program that the professional counselor has not previously presented.

13:34-15.6 Documentation of continuing education credit

(a) A professional counselor shall retain documentation of the continuing education hours which the professional counselor completes in order to verify program attendance or activity completion. Each professional counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of professional counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.

(b) A professional counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.

(c) A professional counselor shall verify continuing education activities by retaining the following:

1. For publications, a copy of the published article;
2. For course or program presentations, copies of the program, syllabus, outlines and bibliographies;
3. For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institu-

tion that the course was "new" as defined by N.J.A.C. 13:34-15.5(b)2; and

4. For graduate coursework, an official transcript.

(d) A professional counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the professional counselor continuing education credit.

(e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.

(f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of professional counseling in the State of New Jersey.

13:34-15.7 Waiver of continuing education requirements

(a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the professional counselor.

(b) A professional counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. FEES

13:34-17.1 Fees

(a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:

1. Application fee \$75.00
2. Initial license fee:
 - i. Professional counselor:
 - (1) During the first year of a biennial renewal period \$250.00
 - (2) During the second year of a biennial renewal period \$125.00
 - ii. Associate counselor:
 - (1) During the first year of a biennial renewal period \$180.00

(2) During the second year of a biennial renewal period \$ 90.00

3. Biennial renewal:
 - i. Professional counselor \$250.00
 - ii. Associate counselor \$180.00
4. Late fee \$100.00
5. Reinstatement Fee \$150.00
6. Duplicate wall certificate \$40.00
7. Change of address \$25.00
8. Certification of licensure \$40.00
9. Certification of specialty designation \$40.00
10. Initial specialty designation permit:
 - i. During the first year of a biennial period \$50.00
 - ii. During the second year of a biennial period \$25.00
11. Biennial renewal, specialty designation permit \$50.00

Amended by R.1998 d.272, effective June 1, 1998.

See: 30 N.J.R. 794(a), 30 N.J.R. 2050(a).

In (a), substituted dollar amounts for reserved fees in 2 and 3.

Amended by R.2002 d.216, effective July 1, 2002.

See: 34 N.J.R. 210(a), 34 N.J.R. 2318(a).

In (a), decreased fees in 2 and 3.

Amended by R.2002 d.235, effective July 15, 2002.

See: 33 N.J.R. 2596(a), 34 N.J.R. 2459(b).

In (a), added 10 and 11.

Amended by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

In (a), substituted "Certification" for "Verification" in 8 and 9.

SUBCHAPTER 18. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY

13:34-18.1 Preparation and maintenance of client records

(a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.

(b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

(c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, for example:

1. The client name, address and telephone number;
2. The client complaint on intake;
3. Medical history recognized as of potential significance;
4. Past and current medications;

5. Significant social history;
6. Findings on appropriate examination;
7. Raw data and interpretation of tests administered;
8. Current functional impairments and rating levels thereof;
9. A diagnostic impression;
10. Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
11. Dates of all treatment, evaluation or consultation sessions;
12. The location of treatment, evaluation or consultation;
13. An evaluation of progress (if applicable);
14. A prognosis;
15. The client identity on each page;
16. Fees charged and paid;
17. The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
18. If services are rendered by an associate counselor, the written disclosure form signed by the client; and
19. Information regarding referrals to other professionals.

(d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-13.2(b) and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

(e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.

(f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.

(g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.

(h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.

(i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-18.2 Use of personal or other computer to prepare client records

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.

(c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.

(e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000, print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change over of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

13:34-18.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third party payor with whom the client has a contract which provides that the third party be given access to records to assess a claim for monetary damages or reimbursement. If the client is a

minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) and (h) below and in N.J.A.C. 13:34-18.5.

(c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.

(d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

(e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

(f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

(g) A licensee may withhold information contained in the client record from a client or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

1. The client's attorney;
2. Another licensed health care professional; or
3. The client's health insurance carrier.

(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

13:34-18.4 Access by a managed health care plan to information in client record

(a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-18.5 Confidentiality

(a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing professional counseling services for the client, except in the following circumstances:

1. Disclosure is required by Federal or State law or regulation;
2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
3. Disclosure is required by a court of competent jurisdiction pursuant to an order;
4. The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
5. The licensee is a party defendant to a civil, criminal or disciplinary action arising from the professional counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
6. The client agrees, in writing, to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving professional counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.

(b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.

(c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
Section was "Confidentiality".

SUBCHAPTER 19. PROFESSIONAL COUNSELORS AND ASSOCIATE COUNSELORS: GENERAL OBLIGATIONS OF A LICENSEE

13:34-19.1 Posting of practice authorization and notification of availability of fee information

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Professional counselors and associate counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a professional or associate counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

13:34-19.2 Notification of change of address; service of process

(a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Board in writing.

13:34-19.3 Sexual misconduct

(a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a professional counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of professional counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place environment, and the licensee knows, should know, or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act, or multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee or research subject, whether or not such individual is in a subordinate position to the licensee.

(b) A licensee shall not engage in sexual contact with a current client, a former client to whom professional counseling services were rendered within the immediately preceding 24 months, a current student, a current direct supervisee, or a current research subject.

(c) In circumstances where the client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.

(d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.

(e) A licensee shall not accept as a client a current or former sexual partner.

(f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical

contact of a sexual nature between the licensee and group members or between group members themselves.

(g) A licensee shall not engage in any discussion of an intimate sexual nature with a client unless that discussion is directly related to legitimate client needs and furthers the client's professional counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.

(h) A licensee shall not engage in any other activity in a professional counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal, sexual gratification, or sexual abuse of the licensee or client.

(i) A licensee shall not seek or solicit sexual contact with a current client, a former client to whom counseling services were rendered within the immediately preceding 24 months, a current student, a current direct supervisee, or a current research subject and shall not seek, solicit, accept, or participate in sexual contact with any person in exchange for professional services.

(j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(k) It shall not be a defense to any action under this section that:

1. The client, former client, student, supervisee, or research subject solicited or consented to sexual contact with the licensee; or
2. The licensee was in love with or had affection for the client, former client, student, supervisee or research subject.

New Rule, R.2002 d.236, effective July 15, 2002.
See: 33 N.J.R. 4060(a), 34 N.J.R. 2460(a).

13:34-19.4 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. Legal evidence of such change; and
2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-19.5 License renewal; active/inactive status

(a) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24-month renewal period.

(b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to timely renew.

(c) Every holder of a license issued or renewed by the Board who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of professional counseling, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional counseling within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. An applicant shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-19.6 Reinstatement

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license of an applicant whose license has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

SUBCHAPTER 20. REHABILITATION COUNSELORS: PURPOSE AND SCOPE; DEFINITIONS; SCOPE OF PRACTICE

13:34-20.1 Purpose and scope

(a) The rules in this subchapter implement the provisions of the Professional Counselor Licensing Act, P.L. 1993, c.340 (N.J.S.A. 45:8B-34 et seq.) (the "Act") as amended and supplemented by P.L. 1997, c.155, and regulate the profession of rehabilitation counseling, as defined in N.J.A.C. 13:34-20.2, within the State of New Jersey.

(b) Except as set forth in (c) below, this subchapter shall apply to all individuals who render rehabilitation counseling services, as defined in N.J.A.C. 13:34-20.2, and to anyone within the jurisdiction of the Professional Counselor Examiners Committee.

(c) This subchapter shall not apply to an individual exempt from the provisions of the Act pursuant to N.J.S.A. 45:8B-48, including, but not limited to, an individual acting within the scope of a profession or occupation licensed by this State and doing work of a nature consistent with the person's training, as long as the person does not hold himself or herself out to the public as possessing a license issued pursuant to the Act.

13:34-20.2 Definitions

The following words and terms, as used in N.J.A.C. 13:34-20 through 28, shall have the following meanings, unless the context clearly indicates otherwise:

"Appraisal" means selecting, administering, scoring, and interpreting instruments designed to assess a person's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, or behavioral disorders as well as the use of methods and techniques for understanding human behavior in relating to, adapting to, or changing life situations for persons with disabilities.

"Case management" means a systematic process merging counseling and managerial concepts and skills through the application of techniques derived from intuitive and researched methods, thereby advancing efficient and effective decision-making for functional control of self, client, setting, and other relevant factors for anchoring a proactive practice. In case management, the counselor's role is focused on interviewing, rehabilitation counseling, planning rehabilitation programs, coordinating services, interacting with significant others, placing clients and following up with them, monitoring progress, and solving problems.

"Clinical assessment and evaluation of persons with disabilities" means assessing, analyzing, and evaluating physical and mental impairments of persons with disabilities in terms of the vocational implications of disabilities, and medical aspects and implications of disabilities including physical and functional capacities of the person and the psychosocial and cultural impact of disabilities for the purpose of exploring possible solutions, developing goals, and developing personalized plans for identified needs.

"Consultation" means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the consultee may have in relation to a third party, be it a person, group, or organization.

"Major life activities" include such activities as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Mental impairments" include mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

"Persons with disabilities: means persons who have a physical and/or mental impairment that substantially limits one or more major life activities.

"Physical impairments" include physiological disorders or conditions, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

"Program evaluation" means the effort to determine what changes occur as a result of a planned program by comparing actual changes (results) with desired changes (stated goals), and by identifying the degree to which the activity (planned program) is responsible for those changes.

"Referral" means evaluating and identifying needs of a counselee to determine the advisability of referral to other specialists, informing the counselee of such judgment and communicating as requested or deemed appropriate to such referral sources.

"Rehabilitation counseling" means offering to assist or assisting, for a fee or other compensation, a person through a rehabilitation counseling relationship to develop an understanding of the personal, social, and vocational impact of their disabilities and to plan and implement a rehabilitation program, which may include training to help the person become more independent and employable.

"Rehabilitation counseling interventions" means services implemented in the context of a rehabilitation counseling

relationship between a rehabilitation counselor and persons with disabilities, and the application of individual and group counseling theories and strategies, career development and work adjustment theories and strategies, behavior and personality theories and strategies, and family counseling theories and strategies, specifically implemented for the purpose of helping persons with disabilities to understand and to deal with the personal, social, and vocational impact of their disabilities.

“Research” means a systematic effort to collect, analyze, and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders, and interpersonal transactions among persons and organizations interact.

“Substantially limits one or more major life activities” means an impairment which substantially interferes with the accomplishment of a major life activity or activities when the person’s major life activity or activities are restricted as to the conditions, manner, or duration under which they can be performed without impairment.

13:34-20.3 Scope of practice; rehabilitation counselor

The scope of practice of a rehabilitation counselor includes, but is not limited to, appraisal, case management, consultation, rehabilitation counseling interventions, clinical assessment and evaluation of persons with disabilities, program evaluation, referral, rehabilitation counseling, and research as defined in N.J.A.C. 13:34-20.2.

SUBCHAPTER 21. REHABILITATION COUNSELORS: APPLICATION PROCEDURE; DEFINITIONS

13:34-21.1 Definitions

(a) For purposes of this subchapter, the following words and terms shall have the following meanings:

“Group supervision” means the ongoing process of supervising no more than six persons in a group setting by a permissible supervisor.

“One calendar year” means 1,500 hours of supervised counseling experience over a period of 50 weeks, which is considered full-time, or no less than 750 hours of supervised counseling experience over two periods of 50 weeks, which is considered part-time, which means a total of 1,500 hours of supervised experience for the two periods of 50 weeks.

“Qualified supervisor” means a licensed rehabilitation counselor, a licensed physician practicing in the field of rehabilitation medicine, or any other supervisor acceptable to the Committee.

“Rehabilitation counseling experience” means rehabilitation counseling practice or the provision of rehabilitation counseling education.

“Supervision” means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the counseling skills and competencies of the person supervised and includes at least 50 hours of face-to-face supervision per year, a minimum of one hour per week, not more than 10 hours of which may be group supervision.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Section was “Application procedure: rehabilitation counselor”.

13:34-21.2 Rehabilitation counselor: application and educational requirements

(a) An applicant for licensure as a rehabilitation counselor shall submit the following to the Committee:

1. A completed application form, which contains information concerning the applicant’s educational and experiential background;
2. The application fee set forth in N.J.A.C. 13:34-26.1;
3. An official transcript(s) indicating that the applicant has satisfied the educational requirements which include a planned educational program in rehabilitation counseling approved by the Committee, which includes a master’s degree in rehabilitation counseling from a regionally accredited institution of higher education and which includes coursework in the following areas:
 - i. Introduction to rehabilitation counseling;
 - ii. Counseling theories and techniques;
 - iii. Personality theories;
 - iv. Psychosocial aspects of disability;
 - v. Medical aspects of disability;
 - vi. Evaluation and assessment;
 - vii. Vocational aspects of disability;
 - viii. Rehabilitation case management;
 - ix. Research methods; and
 - x. Practicum or internship; and
4. A supervisor’s certification indicating that the applicant has met the supervision requirements set forth in N.J.A.C. 13:34-23.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Section was “Educational requirements”.

13:34-21.3 Rehabilitation counselor: experience requirements

(a) In addition to the requirements listed in N.J.A.C. 13:34-21.2, an applicant for licensure as a rehabilitation counselor shall submit to the Committee documentation indicating that the applicant has met the supervised rehabilitation counseling experience requirements for licensure as set forth below:

1. Three calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, only one calendar year of which may be obtained prior to the granting of the master's degree. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums or internships may be counted toward satisfying a portion of the supervised counseling experience requirement provided the courses labeled practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2; or

2. Two calendar years of supervised rehabilitation counseling experience in a rehabilitation counseling setting, provided that the applicant has earned, subsequent to completing the master's degree, an additional 30 graduate semester hours clearly related to counseling as contained in N.J.A.C. 13:34-21.2(a)3i through x. Hours of supervised rehabilitation counseling experience obtained during college or university graduate level practicums may be counted toward satisfying a portion of the supervised rehabilitation counseling experience requirement provided the courses labeled graduate level practicums or internships are not also used to satisfy the educational requirements for licensure as set forth in N.J.A.C. 13:34-21.2. No more than one calendar year of supervised professional counseling experience may be obtained prior to the granting of the master's degree.

(b) An applicant for licensure may take up to a maximum of six years to satisfy the supervised rehabilitation counseling experience requirement within the definitions stated in N.J.A.C. 13:34-21.1. Rehabilitation counseling experience submitted to the Committee which occurs before the date of the application may be accepted toward the fulfillment of the experience requirement if the experience meets the criteria stated above including supervision by a qualified supervisor.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-21.4 Rehabilitation counselor: examination requirements

In addition to the requirements stated in N.J.A.C. 13:34-21.2 and 21.3, an applicant for licensure as a rehabilitation counselor shall submit to the Committee proof that the applicant has successfully completed the Certified Rehabilitation Counselor Examination administered by the Com-

mission on Rehabilitation Counselor Certification (CRCC), or its successor.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

SUBCHAPTER 22. (RESERVED)**SUBCHAPTER 23. REHABILITATION COUNSELORS: SUPERVISION****13:34-23.1 Responsibilities of supervisor**

(a) Prior to a supervisee's commencement of client treatment, the supervisor shall obtain a written disclosure, which shall be signed by the client and retained as part of the client record, acknowledging that the client has been informed that services are to be rendered by a supervisee under the supervision of a rehabilitation counselor or a physician practicing rehabilitation medicine. If the written disclosure is included as part of another document provided for the client's information, the disclosure shall be set forth in a conspicuous manner so that it will be easily readable, clearly understood, signed by the client, and retained as part of the client record.

(b) A supervisor shall retain full professional responsibility for collecting fees from clients.

(c) A supervisor shall be ultimately responsible for the welfare of the client with respect to the treatment being rendered by the supervisee.

(d) The supervisor shall ensure that the supervisee maintains, on an annual basis until the supervisee is licensed as a rehabilitation counselor, documentation of supervised experience, using forms provided by the Committee for that purpose.

(e) A supervisor shall supervise only in areas for which he or she possesses the requisite skills, training and experience.

(f) A supervisor shall not supervise an individual with whom the supervisor has a relationship that may compromise the objectivity of the supervisor or impair the professional judgment of the supervisor. Examples of inappropriate supervisory relationships include, but are not limited to, current and former clients, relatives, current students, or close friends.

Recodified from N.J.A.C. 13:34-23.2 and amended by R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
Former N.J.A.C. 13:34-23.1, Definitions; supervised experience required for licensure, repealed. Deleted (a) and (b); recodified former

(c) through (h) as (a) through (f); in (d), deleted the second sentence; in (f), deleted "current and former employees" preceding "or close friends" at the end.

13:34-23.2 Responsibilities of supervisee

(a) The supervisee shall maintain documentation of supervised experience for each 50 week period of supervised experience until the supervisee is licensed as a rehabilitation counselor.

(b) A supervisee shall not engage in practice under supervision in any area for which the supervisee has not had appropriate education and training.

(c) A supervisee shall not engage in unsupervised or independent practice.

(d) A supervisee shall not receive a professional fee from a client. A supervisee may be compensated only through the supervisor or employing entity.

(e) A supervisee shall not advertise professional services.

Recodified from N.J.A.C. 13:34-23.3 by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Former N.J.A.C. 13:34-23.2, Responsibilities of supervisor, recodified to N.J.A.C. 13:34-23.1.

13:34-23.3 Supervised rehabilitation counseling experience acquired prior to application

(a) An applicant may be granted up to one calendar year of supervised rehabilitation counseling experience credit towards fulfillment of the supervised rehabilitation counseling experience requirements for licensure as a rehabilitation counselor if the supervised experience hours occurred before the granting of the master's degree as part of college or university graduate courses which are practicums or internships, provided the courses labeled practicums or internships are not also used to satisfy the educational requirements.

(b) An applicant may be granted supervised rehabilitation counseling experience credit towards the fulfillment of experience requirements for licensure as a rehabilitation counselor if the supervised experience occurred after the granting of the master's degree, in a rehabilitation counseling setting which is considered exempt as set forth in N.J.S.A. 45:8B-48(b) or (f), and the experience was supervised by a qualified supervisor as set forth in N.J.A.C. 13:34-21.1.

(c) An applicant may be granted credit towards the fulfillment of the supervised rehabilitation counseling experience requirement for licensure as a rehabilitation counselor if the experience hours occur as part of a planned post-master's degree program in counseling in an accredited college or university designed to meet the requirements for licensure as a rehabilitation counselor.

(d) An applicant may purchase the services of a permissible supervisor if the supervision occurs in a rehabilitation counseling setting and the supervisor fulfills the activities and responsibilities of a supervisor as set forth in N.J.A.C. 13:34-23.1.

New Rule, R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Former N.J.A.C. 13:34-23.3, Responsibilities of supervisee, recodified to N.J.A.C. 13:34-23.2.

13:34-23.4 (Reserved)

Repealed by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

Section was "Permissible supervisor".

SUBCHAPTER 24. CONTINUING EDUCATION

Authority

N.J.S.A. 45:8B-13 and 45:8B-45.

Source and Effective Date

R.2003 d.191, effective May 5, 2003.

See: 34 N.J.R. 3686(a), 35 N.J.R. 1934(a).

13:34-24.1 License renewal and continuing education requirement

All licensed rehabilitation counselors shall complete 40 contact hours of continuing education for license renewal. The licensed rehabilitation counselor shall confirm on the renewal application that the licensee has completed all continuing education requirements pursuant to N.J.A.C. 13:34-24.1 and 24.2 during the biennial period preceding application for renewal. Except as set forth in N.J.A.C. 13:34-24.2, a rehabilitation counselor applying for renewal for the first renewal period following May 5, 2003 shall complete a minimum of 40 contact hours during that renewal period.

13:34-24.2 Contact-hour requirements for licensed rehabilitation counselors

(a) A rehabilitation counselor shall not be required to obtain continuing education contact hours required by N.J.A.C. 13:34-24.1 during the period of initial licensure prior to the rehabilitation counselor's first biennial renewal period, but shall be subject to the requirements of N.J.A.C. 13:34-24.1 for all subsequent biennial renewal periods.

(b) A licensed rehabilitation counselor shall complete at least five of the 40 contact hours in ethical and legal standards in the rehabilitation counseling profession regardless of the number of contact hours accrued during the biennial period.

(c) If the licensed rehabilitation counselor earns more than 40 contact hours during a biennial period, the rehabilitation counselor may carry a maximum of 10 contact hours into the next succeeding biennial period.

13:34–24.3 Approval of courses or programs

(a) The following are acceptable sources of continuing education courses, programs and articles as long as the courses, programs or articles fall within the content areas set forth in (c) below or are directly related to rehabilitation counseling:

1. Courses or programs approved by the National Board for Certified Counselors; the American Counseling Association; the American Psychological Association; the American Psychiatric Association; the National Association of Social Workers; the American Association for Marriage and Family Therapy; the Commission on Rehabilitation Counselors Certification; the American Orthopsychiatric Association; the American Medical Association; the American Nursing Association; the National Association of Alcoholism and Drug Abuse Counselors; and the member boards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.; or the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists;
2. Teaching or completing graduate coursework at a regionally accredited institution of higher education;
3. Authoring a refereed article published in a professional journal within the preceding biennial period; and
4. Presentation of a course or program approved by one of the organizations listed at N.J.A.C. 13:34–24.3(a)1.

(b) Prior to seeking approval of continuing education credit from the Committee for attending or presenting a course or program that has not been approved by any of the organizations listed in (a)1 above, the rehabilitation counselor shall first apply to and obtain approval from one of the listed organizations.

(c) The following are acceptable content areas for continuing education:

1. Counseling practices, theories and techniques;
2. Personality theories;
3. Psychosocial aspects of disability;
4. Medical aspects of disability;
5. Evaluation and assessment;
6. Vocational aspects of disability;
7. Rehabilitation case management;
8. Research methods;
9. Practicums or internships; or
10. Ethical and legal standards in the rehabilitation counseling profession.

13:34–24.4 Continuing education credits and contact-hour calculation

(a) The Committee shall grant credit only for continuing education courses and programs that are at least one contact hour long and are directly related to rehabilitation counseling practice. For purposes of this subchapter, a “contact hour” means a 60-minute clock hour with no less than 50 minutes of content within the hour. Courses and programs may include one 10-minute break for each contact hour.

(b) A rehabilitation counselor shall complete and be able to verify the completion of a continuing education course, program or article as set forth in N.J.A.C. 13:34–24.3 in order to receive continuing education credit. The Committee shall grant a rehabilitation counselor continuing education credit for each biennial renewal period as follows:

1. Completing graduate coursework at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded beyond the required educational standards which the rehabilitation counselor must complete for licensure as set forth in N.J.A.C. 13:34–21.2;
2. Teaching graduate courses offered at a regionally accredited institution of higher education: 15 continuing education contact hours for each semester course credit awarded for each new course which a rehabilitation counselor teaches. For the purposes of this subsection, “new” means a course that the rehabilitation counselor has not taught previously in any educational setting;
3. A refereed article published in a professional journal within the preceding biennial period: four continuing education contact hours per article with a maximum of eight contact hours per biennial period; and
4. Course or program presentation: one and one-half continuing education contact hours for each hour of a new offering up to a maximum of nine continuing education contact hours. For the purposes of this subsection, “new” means a course or program that the rehabilitation counselor has not previously presented.

13:34–24.5 Documentation of continuing education credit

(a) A rehabilitation counselor shall retain documentation of the continuing education hours which the rehabilitation counselor completes in order to verify program attendance or activity completion. Each rehabilitation counselor shall submit such documentation to the Committee upon its request. The Committee may periodically audit the records of rehabilitation counselors, on a random basis, to determine compliance with continuing education requirements of this subchapter.

(b) A rehabilitation counselor shall verify attendance at continuing education courses or programs by a certificate of attendance or by a statement from the course or program instructor. The verification shall include the name of the licensee, the name of the sponsor, the title, location and date of the course or program, the signature of a program official and the number of continuing education hours awarded.

(c) A rehabilitation counselor shall verify continuing education activities by retaining the following:

1. For publications, a copy of the published article;
2. For course or program presentations, copies of the program, syllabus, outlines and bibliographies;
3. For teaching, copies of the syllabus, bibliography, course outline and verification from the academic institution that the course was "new" as defined by N.J.A.C. 13:34-24.4(b)2; and
4. For graduate coursework, an official transcript.

(d) A rehabilitation counselor shall maintain verification documentation for five years following the renewal period for which the Committee has granted the rehabilitation counselor continuing education credit.

(e) Falsification of any information submitted with the renewal application or failure to meet the continuing education requirements may result in the Committee taking appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21.

(f) The Committee may reject any continuing education contact hours claimed for continuing education credit that are not relevant to the practice of rehabilitation counseling in the State of New Jersey.

13:34-24.6 Waiver of continuing education requirements

(a) The Committee may waive continuing education requirements on an individual basis for reasons of hardship such as illness, disability, active service in the military or other good cause as established by the rehabilitation counselor.

(b) A rehabilitation counselor who seeks a waiver of the continuing education requirements shall provide to the Committee, in writing, the specific reasons for requesting the waiver and such additional documentation as the Committee may request in support of the waiver.

SUBCHAPTER 25. (RESERVED)

SUBCHAPTER 26. FEES

13:34-26.1 Fees

(a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of rehabilitation counselors:

1. Application fee \$75.00
2. Initial license fee:
 - i. Rehabilitation counselor:
 - (1) During the first year of a biennial renewal period \$250.00
 - (2) During the second year of a biennial renewal period \$125.00
3. Biennial renewal:
 - i. Rehabilitation counselor \$250.00
4. Late fee \$100.00
5. Reinstatement Fee \$150.00
6. Duplicate wall certificate \$40.00
7. Change of address \$25.00
8. Certification of licensure \$40.00

Amended by R.1998 d.272, effective June 1, 1998.

See: 30 N.J.R. 794(a), 30 N.J.R. 2050(a).

In (a), substituted dollar amounts for reserved fees in 2 and 3.

Amended by R.2002 d.216, effective July 1, 2002.

See: 34 N.J.R. 210(a), 34 N.J.R. 2318(a).

In (a)2, decreased fees in 2 and 3.

Amended by R.2004 d.158, effective April 19, 2004.

See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

In (a)8, substituted "Certification" for "Verification".

SUBCHAPTER 27. REHABILITATION COUNSELORS: CLIENT RECORDS; CONFIDENTIALITY

13:34-27.1 Preparation and maintenance of client records

(a) A licensee shall prepare a permanent client record for each client which accurately reflects the client contact with the licensee whether in an office, hospital, agency or other treatment, evaluation or consultation setting.

(b) A licensee shall make entries in the client record contemporaneously with the services provided. A licensee may dictate an entry for later transcription, provided the transcription is dated and identified as "preliminary" until the licensee reviews the transcription and finalizes the entry in the client record.

(c) The licensee shall include in the client record material pertinent to the nature and extent of the professional interaction, for example:

1. The client name, address and telephone number;
2. The client complaint on intake;
3. Medical history recognized as of potential significance;
4. Past and current medications;
5. Significant social history;
6. Findings on appropriate examination;
7. Raw data and interpretation of tests administered;
8. Current functional impairments and rating levels thereof;

9. A diagnostic impression;
10. Contemporaneous and dated progress or session notes including specific components of treatment, evaluation or consultation;
11. Dates of all treatment, evaluation or consultation sessions;
12. The location of treatment, evaluation or consultation;
13. An evaluation of progress (if applicable);
14. A prognosis;
15. The client identity on each page;
16. Fees charged and paid;
17. The identity of each provider of treatment, evaluation or consultation (and supervisor, if any);
18. If services are rendered by a supervisee, the written disclosure form signed by the client; and
19. Information regarding referrals to other professionals.

(d) The client record shall contain the written disclosure form required pursuant to N.J.A.C. 13:34-23.2(b), and reports and records provided by other professionals and integrated into the client's treatment, evaluation or consultation report.

(e) A licensee may make corrections or additions to an existing record provided that each change is clearly identified as such, dated and initialed by the licensee. Any other alteration of records shall be deemed professional misconduct.

(f) When records are to be maintained as confidential, the licensee shall establish and maintain a procedure to protect such records from access by unauthorized persons.

(g) The licensee shall retain the permanent client record for at least seven years from the date of last entry, unless otherwise provided by law.

(h) The licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records in the event of the licensee's separation from a group practice.

(i) Subsections (f) through (h) above shall not apply to a licensee employed in an agency setting which does not, by agency policy, have control over client records.

13:34-27.2 Use of personal or other computer to prepare client records

(a) A licensee who prepares a client record maintained solely on a personal or other computer shall use a write-protected program which:

1. Contains an internal permanently activated date and time recordation for all entries;
2. Automatically prepares a back-up copy of the file; and
3. Is designed in such manner that, after the licensee "signs" by means of a confidential personal code ("CPC"), the entry cannot be changed in any manner.

(b) Notwithstanding the permanent status of a prior entry, the licensee may make a new entry at any time and may indicate correction to a prior entry.

(c) The licensee shall include in the client record at least two forms of identification; for example, name and record number or any other specific identifying information.

(d) The licensee shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any client record, the licensee responsible for the practice shall assure that each person obtains a CPC and uses the program in the same manner.

(e) A licensee wishing to continue a system of computerized client records which does not meet the requirements of this section shall initiate arrangements for modification of the system, which must be completed by February 17, 2000. In the interim, the licensee shall, on the date of the first treatment of each client subsequent to February 17, 2000 print out a hard copy of the entire computer recorded client record. The printout shall be dated and initialed by the licensee. Thereafter, a hard copy shall be prepared for each subsequent visit, continuing to the date of the change-over of computer program, with each page initialed by the licensee. The initial printout and the subsequent hard copies shall be retained as a permanent part of the client record.

13:34-27.3 Access to copy of client record

(a) For purposes of this section, "authorized representative" means, but is not necessarily limited to, a person designated by the client or a court to exercise rights under this section. An authorized representative may be the client's attorney or an agent of a third party payor with whom the client has a contract which provides that the third party payor be given access to records to assess a claim for monetary damages or reimbursement. If the client is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed to be an authorized representative.

(b) A licensee may require the record request to be in writing. The licensee shall provide a copy of the client

record and/or billing records, including reports relating to the client, no later than 30 days from receipt of a request from a client or duly authorized representative. Limitations on this requirement are set forth in (g) and (h) below and in N.J.A.C. 13:34-27.5.

(c) Unless otherwise required by law, the licensee may elect to provide a summary of the record, as long as the summary adequately and accurately reflects the client's history and treatment.

(d) A licensee may charge a reasonable fee for the preparation of a summary and reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the costs of transcription or copying.

(e) The licensee's obligation hereunder to release information shall include the obligation to complete forms or reports required for third party reimbursement of client treatment expenses. The licensee may charge reasonable fees for completion of reports other than health insurance claim forms, for which no fee may be charged pursuant to N.J.S.A. 45:1-12.

(f) When a request is made for release of already completed reports to enable the client to receive ongoing care by another practitioner, or for use in judicial proceedings, the licensee shall not require prior payment for the professional services to which such reports relate as a condition for making such reports available. A licensee may, however, require advance payment for a report prepared for the licensee's services as an expert witness.

(g) A licensee may withhold information contained in the client record or the client's guardian if in the reasonable exercise of his or her professional judgment, the licensee believes release of such information would adversely affect the client's health or welfare. That record or the summary, with an accompanying explanation of the reasons for the original refusal, shall nevertheless be provided upon request of and directly to:

1. The client's attorney;
2. Another licensed health care professional; or
3. The client's health insurance carrier.

(h) A licensee shall not be required to release to a minor client's parent or guardian records or information relating to the minor's sexually transmitted disease, termination of pregnancy or substance abuse.

13:34-27.4 Access by a managed health care plan to information in client record

(a) With regard to a client whose treatment cost is covered by a wholly insured health insurance plan or a managed health care plan, a licensee shall make all required information available upon the request of the client or duly authorized representative with the client's consent.

(b) A licensee whose client has explicitly waived the counselor-client confidentiality privilege established by N.J.S.A. 45:8B-49 may release requested information deemed professionally appropriate to a third-party payor whose benefit plan is qualified under the Federal Employee Retirement Income Security Act (ERISA); that is, the plan of a self-insured employer or an entity providing administrative services to that employer for the purposes of determining entitlement to benefits.

13:34-27.5 Confidentiality

(a) A licensee shall preserve the confidentiality of information obtained from a client in the course of performing rehabilitation counseling services for the client, except in the following circumstances:

1. Disclosure is required by Federal or State law or regulation;
2. Disclosure is required by the Board or the Office of the Attorney General during the course of an investigation;
3. Disclosure is required by a court of competent jurisdiction pursuant to an order;
4. The licensee has information that the client presents a clear and present danger to the health or safety of an individual;
5. The licensee is a party defendant to a civil, criminal or disciplinary action arising from the rehabilitation counseling services provided, in which case a waiver of the privilege accorded by this section shall be limited to that action; or
6. The client agrees in writing to waive the privilege accorded by this section. In circumstances where more than one person in a family is receiving rehabilitation counseling services, each family member who is at least 18 years of age or older must agree to the waiver. Where required by Federal or State law, persons under the age of 18 years of age must agree to the waiver. Absent a waiver of each family member, a licensee shall not disclose any information received from any family member.

(b) A licensee shall establish and maintain procedures to protect client records from access by unauthorized persons.

(c) A licensee shall establish procedures for maintaining the confidentiality of client records in the event of the licensee's relocation, retirement or death and shall establish reasonable procedures to assure the preservation of client records.

Repeal and New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).
Section was "Confidentiality".

SUBCHAPTER 28. REHABILITATION
COUNSELORS: GENERAL OBLIGATIONS
OF A LICENSEE

**13:34-28.1 Posting of practice authorization and
notification of availability of fee information**

(a) All licensees, whether in an agency setting or conducting independent practice, shall ensure that the following notices are prominently displayed in a waiting room or other area where they will be visible to the licensee's clients:

1. Rehabilitation counselors are licensed by the Board of Marriage and Family Therapy Examiners, Professional Counselor Examiners Committee, an agency of the Division of Consumer Affairs. Any member of the consuming public may notify the Committee of any complaint relative to the practice conducted by a rehabilitation counselor. The Committee's address is: Division of Consumer Affairs, Professional Counselor Examiners Committee, PO Box 45007, 124 Halsey Street, Newark, New Jersey 07101.

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

**13:34-28.2 Notification of change of address; service of
process**

(a) Each licensee shall notify the Committee, in writing, within 30 days of any change in address on file with the Committee and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Board, the Committee, the Attorney General or the Division of Consumer Affairs at the address on file with the Committee shall be deemed adequate notice for the commencement of any inquiry or disciplinary proceeding.

(c) Each licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report such action to the Board in writing.

13:34-28.3 Sexual misconduct

(a) As used in this section, the following terms have the following meanings unless the context indicates otherwise:

"Client" means any person who is the recipient of a rehabilitation counseling service rendered by a licensee. "Client" for purposes of this section also means a person who is the subject of professional assessment even if the purpose of that assessment is unrelated to treatment.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or

gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal, or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of rehabilitation counseling services, and that is either unwelcome, offensive to a reasonable person, or creates a hostile work place environment, and the licensee knows, should know, or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act, or multiple acts, and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student, supervisee, or research subject, whether or not such individual is in a subordinate position to the licensee.

(b) A licensee shall not engage in sexual contact with a current client, a former client to whom rehabilitation counseling services were rendered within the immediately preceding 24 months, a current student, a current direct supervisee, or a current research subject.

(c) In circumstances where a client is, or should be recognized by the licensee as, clearly vulnerable by reason of emotional or cognitive disorder to exploitive influence by the licensee, the prohibition on sexual contact shall extend indefinitely.

(d) A licensee shall not engage in sexual harassment in a professional setting (including, but not limited to, an office, hospital or health care facility) or outside of the professional setting.

(e) A licensee shall not accept as a client a current or former sexual partner.

(f) A licensee shall not conduct or engage in therapy groups, activities which promote, allow, or involve physical contact of a sexual nature between the licensee and group members or between group members themselves.

(g) A licensee shall not engage in any discussion of an intimate sexual nature with a client, unless that discussion is directly related to legitimate client needs and furthers the client's rehabilitation counseling treatment. At no time shall any such discussions include disclosure by the licensee to the client of his or her own intimate sexual relations or relationships.

(h) A licensee shall not engage in any other activity in a rehabilitation counseling relationship which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual

arousal, sexual gratification, or sexual abuse of the licensee or client.

(i) A licensee shall not seek or solicit sexual contact with a current client, a former client to whom counseling services were rendered within the immediately preceding 24 months, a current student, a current direct supervisee, or a current research subject and shall not seek, solicit, accept, or participate in sexual contact with any person in exchange for professional services.

(j) Violation of any of the prohibitions or directives set forth in (b) through (i) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) and (d) respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(k) It shall not be a defense to any action under this section that:

1. The client, former client, student, supervisee, or research subject solicited or consented to sexual contact with the licensee; or
2. The licensee was in love with or had affection for the client, former client, student, supervisee or research subject.

New Rule, R.2002 d.237, effective July 15, 2002.
See: 33 N.J.R. 4062(a), 34 N.J.R. 2461(a).

13:34-28.4 Notification of change of name

(a) A licensee whose name has been legally changed shall forward to the Board by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. Legal evidence of such change; and
2. A copy of the licensee's original license with proof, such as a copy of a passport or a social security card, that he or she is the same person to whom the Board issued the license.

(b) Upon receipt of the items set forth in (a) above, the Board shall issue to the licensee a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Board.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-28.5 License renewal; active/inactive status

(a) Licenses shall be renewed biennially upon a form provided by the Committee. Each applicant shall attest that the continuing education requirements have been completed during the prior 24 month renewal period.

(b) The Committee shall send a notice of renewal to each of its licensees at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to timely renew.

(c) Every holder of a license issued or renewed by the Board, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license. If the holder does not renew the license prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of rehabilitation counseling, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in rehabilitation counseling within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours required for the renewal of an active license. Applicants shall complete the number of continuing education hours required for each renewal period he or she was in inactive status.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

13:34-28.6 Reinstatement

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license of an applicant whose license has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure.

New Rule, R.2004 d.158, effective April 19, 2004.
See: 35 N.J.R. 5228(a), 36 N.J.R. 1943(a).

SUBCHAPTER 29. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: ADVERTISING

13:34-29.1 Definitions

For the purposes of this subchapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

"Advertisement" means an attempt, directly or indirectly by publication, dissemination or circulation in print, electronic or other media, to induce any person or entity to purchase or enter into an agreement to purchase professional or rehabilitation counseling services, treatment, or goods related thereto.

"Electronic media" includes, radio, television, telephone, Internet and other electronic means of communication.

"Print media" includes business cards, newspapers, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, direct mail, match covers, and other items disseminated by means of the printed word.

13:34-29.2 Advertising; general requirements

(a) A licensee shall be able to substantiate the truthfulness of any representation set forth in an advertisement.

(b) A licensee identified in an advertisement as offering professional or rehabilitation counseling or goods shall be responsible for the form and content of any advertisement disseminated by or on behalf of a licensee.

(c) A licensee shall assure that an advertisement does not misrepresent, suppress, omit, or conceal a material fact. Omission, suppression, or concealment of a material fact includes directly or indirectly obscuring a material fact under circumstances where the licensee knows or should know that the omission is improper or prohibits a prospective client from making a full and informed judgment on the basis of the information set forth in the advertisement.

13:34-29.3 Minimum content

(a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards, and professional stationery:

1. Name;
2. License number;
3. Licensure status; and
4. Street address and telephone number of the practice location.

(b) For maintenance of personal or client safety, a licensee may petition the Board for a waiver of the requirement to list the street address of the practice location. A licensee shall submit a request for a waiver in writing which shall detail the reason for the request.

13:34-29.4 Use of professional credentials and certifications

(a) A licensee shall accurately and objectively represent his or her competence, education, training, and experience, as of the time of the representations.

(b) An advertisement that includes information on professional credentials shall contain the highest academic degrees attained related to the practice of professional, associate or rehabilitation counseling and shall refer only to degrees obtained from a regionally accredited academic institution.

(c) An advertisement that includes information on certification shall include the full name of the institute or agency conferring the certification or the recognized name or abbreviation of the certification.

(d) In addition to the information required to appear pursuant to N.J.A.C. 13:34-29.3, letters or abbreviations that may appear immediately following the licensee's name shall be limited to the following:

1. The highest academic degrees earned from a regionally accredited institution relating to the practice of professional or rehabilitation counseling;
2. Professional specialty designations as defined in N.J.A.C. 13:34-4.1; and
3. Other licenses or certifications issued by another State or Federal agency.

(e) Letters or abbreviations appearing immediately following the licensee's name shall appear in the following order only:

1. Highest academic degrees earned from a regionally accredited institution related to the practice of professional, associate or rehabilitation counseling;
2. Licensure designation;
3. Professional specialty designation as defined in N.J.A.C. 13:34-14.1; and
4. Certifications.

(f) Nothing in this section shall preclude any truthful or nondeceptive statement in regard to education or experience in a particular area of professional, associate or rehabilitation counseling.

13:34-29.5 Prohibited types or methods of advertising

(a) A licensee shall not guarantee that satisfaction or a cure will result from the performance of professional, associate or rehabilitation counseling.

(b) A licensee shall not communicate information that may identify a client without the written consent of the client.

(c) A licensee shall not offer a professional service which the counselor knows or should know is beyond his or her ability to perform.

(d) A licensee shall not advertise or communicate in a manner which appears to intimidate, exert undue pressure, or unduly influence a prospective client.

13:34-29.6 Retention of advertisements

A licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print or electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication or dissemination.

SUBCHAPTER 30. PROFESSIONAL COUNSELORS, ASSOCIATE COUNSELORS AND REHABILITATION COUNSELORS: BUSINESS PRACTICES; PROFESSIONAL CONDUCT

13:34-30.1 Financial arrangements with clients

(a) Fees shall be reasonable and commensurate with the status and experience of the professional, associate or rehabilitation counselor when compared with fees of professional, associate or rehabilitation counselors offering like services or treatment in the geographic area.

(b) Where payment of the usual and customary fee would be a hardship, a professional or rehabilitation counselor shall refer the client to other sources for provision of services.

(c) Before providing counseling services, a licensee shall assist the client to understand financial arrangements. The information shall include, but not be limited to:

1. The identity of the person or entity responsible for payment of the fee for services;
2. The fee for services or the basis for determining the fee to be charged;
3. Whether the licensee will accept installment payments; and
4. The financial consequences, if any, of missed appointments.

(d) The provisions of this section shall not apply to a counselor in an agency setting.

13:34-30.2 Clients served by others

If a client is receiving counseling services from another mental health professional, the licensee, with the client's consent, shall inform the other mental health professional already involved and develop clear agreements to avoid confusion and conflict for the client.

13:34-30.3 Multiple clients

When licensees agree to provide counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), licensees shall clarify at the outset which person or persons are clients and the nature of the relationships he or she will undertake with each involved person. If it becomes apparent that the licensee may be called upon to perform conflicting roles, the licensee shall take appropriate steps to eliminate the conflict.

13:34-30.4 Conflicts of interest; dual relationships

(a) A professional, associate or rehabilitation counselor providing counseling services shall not provide those services in circumstances that would be expected to limit the counselor's objectivity and impair professional judgment or increase the risk of exploitation.

(b) A professional, associate or rehabilitation counselor providing counseling services shall not enter into any relationship that would be expected to limit objectivity and impair professional judgment or increase the risk of exploitation. Examples of such relationships include, but are not limited to, professional treatment of business or financial relationships, students, supervisors, friends or relatives and supervision of friends and relatives.

(c) A professional, associate or rehabilitation counselor who has identified a conflict of interest shall notify the parties involved and shall take action to eliminate the conflict.

13:34-30.5 Termination of services

(a) A professional, associate or rehabilitation counselor shall terminate services to a client when the services are no longer required or no longer meet the client's needs or interests.

(b) A professional, associate or rehabilitation counselor shall not abandon nor neglect a client in need of professional services without making reasonable arrangements for the continuation of such care or offering to help the client find alternative sources of assistance.

(c) A professional, associate or rehabilitation counselor who anticipates the termination or interruption of services to a client shall notify the client promptly and seek the transfer, referral or continuation of service in relation to the client's needs and preferences.

13:34-30.6 Prohibition on solicitation; unethical referrals and kickbacks

(a) A professional or rehabilitation counselor who provides services to an agency shall not solicit, for his or her private practice, the agency's clients for the same services the agency provides. Nothing in this section prohibits a counselor from offering to the client all appropriate options upon termination of services at the agency, including the continuation of services in private practice.

(b) A professional, associate or rehabilitation counselor shall not refer a client to a service in which the counselor or his or her immediate family has a financial interest.

(c) A professional, associate or rehabilitation counselor shall not prescribe goods or devices which the counselor sells or leases to the client unless the counselor advises the client of the ownership or other interest in the goods or devices.

(d) A professional, associate or rehabilitation counselor shall not pay, offer to pay or receive any fee or other form of compensation for referral of a client for professional services or for the purchase of goods.

(e) A professional or rehabilitation counselor shall not permit the division of fees for professional services unless the counselor is engaged in a bona fide partnership or professional service corporation or employment relationship.